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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,119	01/11/2002	Timothy R. Fitch	283_346.02	8122
20874	7590	11/01/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			ALPHONSE, FRITZ	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,119

Applicant(s)

FITCH ET AL.

Examiner

Fritz Alphonse

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-29, 31-36 and 38-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-29, 31-36, 38-59 and 61-77 is/are rejected.
- 7) ☐ Claim(s) 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8_9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

0.1 This office action is in response to amendment filed on 7/19/2005. Claims 1-24, 30, 37 are canceled, claims 26, 29, 31, 36 amended, claims 39-77 are added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-29, 31-36, 38-59, 61-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani (U.S. Pat. No. 6,234,389) in view of Schlieffers (U.S. Pat. No. 6,394,355).

As to claim 25, Valliani (figs. 1-6) shows a transaction terminal (figs. 5, 6) including a housing (see figures); a touch screen (330); a card reader (not slot 290 and card 230); a control circuit in communication with said touch screen and said card reader (col. 6, lines 25-46);

Valliani does not explicitly disclose a housing including a portion configured for grasping by a customer while the customer enters data using the touch screen.

However, in the same field of endeavor, Schlieffers (figs. 1-3) shows a hand-held data acquisition terminal including "a housing portion for grasping by a customer while the customer enters data using the touch screen.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to improve upon the hand-held display unit, as disclosed by Schlieffers. Doing so would provide an ergonomically friendly input device and a convenient mounting receptacle

at which the customers receive the terminals upon entering the store and an accessory for holding the terminal while shopping (col. 1, lines 40-46).

As to claims 26-28, Valliani does not explicitly disclose a transaction terminal, wherein said portion configured for grasping includes a portion of said housing extending outwardly from a central volume of the transaction terminal; and, wherein said portion configured for grasping extends laterally from said housing; and for grasping by the left hand of the customer. However, the limitations are clearly disclosed by Schlieffers (col. 1, lines 40-46). See the motivation as disclosed in claim 1 above.

As to claim 29, Valliani (figs. 1-6) shows a transaction terminal comprising a housing including a base (200) having a first sideward extending lip (see section 200); a touch screen disposed within said housing, said touch screen (320) accessible by a user; and a card reader disposed within said housing (note magnetic stripe reader 210 and smart card reader 230).

Valliani does not explicitly disclose a first sideward extending lip having an arcuate surface. However, this limitation is disclosed by Schlieffers (figs. 2, 3). See the motivation as disclosed in claim 1 above.

As to claims 31-35, Valliani does not explicitly disclose a transaction terminal, wherein the first sideward extending lip extends at least about 0.25 inch or 0.50 inch or 0.75 inch from said base. However, using a sideward extending lip extends at least about 0.25 inch or 0.50 inch or 0.75 inch represents a design choice.

As to claim 36, Valliani (figs. 2, 5) discloses a transaction terminal (200) comprising housing including a base (fig. 5), a touch screen (320) disposed within the housing, a card reader disposed within the housing (290, card 230).

Valliani does not explicitly disclose a circumferentially extending lip having an arcuate surface extending about a perimeter of said housing. However, the limitation is clearly disclosed by Schlieffers (figs. 2, 3). See the motivation above.

As to claims 38-43, the claims have substantially the limitations of claims 26-28; therefore, they are analyzed as previously discussed in claims 26-28 above.

As to claim 44, the claim differs from claim 1 by the additional limitation "circumferential lip extending outwardly from said base, said circumferential lip extending about a perimeter of said housing..." However, the limitation is clearly disclosed by Schlieffers (figs. 2, 3). See the motivation above.

As to claims 45-50, Valliani does not explicitly disclose a circumferentially extending lip extends entirely about a periphery of a housing, which defines a curved profile from both a top view of said transaction terminal and a front view of said transaction terminal; and, wherein said card reader unit is an insert style card reader unit. However, the limitations are disclosed by Schlieffers (figs. 2, 3). See the motivation above.

As to claims 51-54, Valliani (figs. 1-6) shows a transaction terminal, wherein said slot of said card reader unit, said base, and said touch screen are all substantially coplanar, and all define planes having a downward angle from the back of said housing to the front of said housing.

As to claims 55-59, Valliani (figs. 1-6) discloses a transaction terminal, wherein the control circuit has a mode of operation in which said control circuit configures said transaction terminal to capture a signature entered by a user onto said touch screen.

As to claims 61-63, the claims have substantially the limitations of claims 26-28; therefore, they are analyzed as previously discussed in claims 26-28 above.

As to claims 64 and 70, the claims differ from claim 1 by the additional limitation “a housing includes a base and an enlarged head portion, said enlarged head portion having a top surface...” However, the limitation is clearly disclosed by Schlieffers (figs. 2, 3). See the motivation above.

As to claims 65-69 and 71-77, the claims have substantially the limitations of claims 26-28; therefore, they are analyzed as previously discussed in claims 26-28 above.

Allowable Subject Matter

3. Claim 60 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claim 60 is indicated to contain allowable subject matter because the prior art of record does not disclose or make obvious the limitation “said secure information entry circuit includes cryptographic firmware adapted to change the state of an encryption mode signal when said encryption routine is actuated...”

Response to Arguments

5. Applicant's arguments with respect to claims 25-29, 31-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form-892.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

September 29, 2005


ALBERT DE CADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2101